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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,727	09/09/2003	Jeyhan Karaoguz	14168US02	2798
23446 7590 01/21/2009 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
PARK, JUNG H				
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
01/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/658,727

Applicant(s)

KARAOGUZ ET AL.

Examiner

JUNG PARK

Art Unit

2419

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/JAYANTI K PATEL/
Supervisory Patent Examiner, Art Unit 2419

Continuation of 11, does NOT place the application in condition for allowance because:

Through the pages of 10-20, applicant's key argument is that "allocating a processor should be within the access point, not in cellular device."

In reply, at first, the examiner has never said that the processor is located within the access point in the prosecution history.

At second, the communicator device is in wireless LAN and Schmidt discloses that a dedicated CPU and digital signal processor (DSP) within the communicator device is configured to operate optimally on specific problem as described in col.5, lines 56-66 and dedicated hardware and active processors is/are provided to handle specific algorithms and/or applications as described in col.5, lines 56-66.

Further, ordinary person in the art know that DSP is designed for containing architectural optimizations to speed up processing and these optimizations are also important to lower costs, heat-emission and power-consumption.

At third, to communicate between a mobile station and a base station, the base station should use the same operating mode with wireless station such as 802.11(a), 802.11(b), or 802.11(g) as described in paragraph 29 of Lee. Further, Lee said that the mobile station only searches access points within that mode. That is, an access point should compatible with the operating mode of wireless station and the base station should have a processor for the specific operating mode. Schmidt discloses what Lee does not explicitly discloses, "a dedicated CPU and digital signal processor (DSP) operating on specific problem and dedicated hardware and active processors is/are provided to handle specific algorithms and/or applications. Therefore, the CPU and DSP for specific function do not need to be within a base station in the system of Schmidt.

At fourth, the examiner explicitly discloses that "ordinary person in the art applying a dedicated DSP for specific protocol/function into the access point of Lee." Therefore, ordinary person in the art applying a dedicated digital signal processor (DSP) for specific function/protocol of Schmidt into the access point of Lee in order for the number of active processors to be controlled depending on the application so that power is not used when it is not need for system efficiency.

At fifth, in the previous arguments applicant said that "Schmidt does not even mention of an access point in the entire reference." That's why the examiner said that the base station in Schmidt is equal to an access point. The examiner has never said that the DSP or dedicated hardware and software are located within the base station.

Further, please further see detailed responses to the arguments in the prosecution history.